IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT APPEAL NO : 2004 of 2003

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 19/08/2003 in WP NO : 12350 OF 2002 on the file of the High Court.)

Between:
1 M.A.Lateef, S/o. Late M.A.Rahim,
R/o. 1-10-175, Opp. Hyderabad Public School,
Begumpet, Hyderabad-16.
2 M.A.Waheed, S/o Late M.A.Rahim,
R/o. 1-10-175, Opp. Hyderabad Public School,
Begumpet, Hyderabad-16.
3 Mohd.Omar, S/o. Late M.A.Rahim,
R/o. 1-10-175, Opp. Hyderabad Public School,
Begumpet, Hyderabad.

..... APPELLANT(S)

AND
1 Union of India, Rep. by its Secretary,
Ministry of Road Transport of Highways, New Delhi.
2 National Highways Authority of India, Rep. by its Managing Director.
New Delhi.
3 Chief Engineer, National Highways,
Hyderabad-Bangalore NH7 Division, Erram Munzil,
Hyderabad.
4 Executive Engineer, National Highways,
Hyderabad-Bangalore NH 7 Division, AC Guards,
Hyderabad.
5 Project Director, National Highways,
Hyderabad-Bangalore NH 7 Division, 6-1-132/65 Kandagiri Temple,
Walker Town Road, Padmarao Nagar, Secunderabad.

.....RESPONDENT(S)

For the Appellants: MR.P.VENUGOPAL , Advocate
For the Respondent : Government Pleader for Transport
Mr A.Rajasekhara Reddy
SC for Central Government

The Court Made the Following ORDER:

(per The Hon'ble The Chief Justice Sri Devinder Gupta)

Learned counsel for the respondents submits that respondents' counter-affidavit was filed in the Registry vide USR No.4342 of 2004. It is not on record. Registry may place the same on record.

Reply to the said counter-affidavit has been filed by the petitioner today. Learned counsel for the respondents has made available to us the copy of the counter-affidavit. We have gone through the said counter.

As per the stand of the respondent No.5, the A.P. State P.W.D. (R & B) Department had made over the particular reach to the contractor so as to enable it to construct the road in the said reach. According to the respondents, in case the petitioners are entitled to any compensation the respondents are prepared to compensate them in accordance with law. The State of Andhra Pradesh is not a party before us and it is not known under what authority they handed over the land of the petitioners to the respondents. Be that as it may, petitioners' grievance was as regards wrongful deprivation of the property in which, according to the petitioners, road has now been laid and therefore the learned counsel for the petitioners seeks appropriate direction for paying compensation to the petitioners in accordance with law.

Since State of Andhra Pradesh is not impleaded as party, we direct that it be impleaded as party respondent. For that purpose we proceed to allow the appeal, set aside the impugned order and directing hearing of the writ petition afresh in accordance with law in the changed circumstances that road has since been laid and the petitioners have been deprived of their property and it will be only a question of duly compensating the petitioners. The writ petition be listed before the learned single Judge on 27-7-2004.

Appeal is accordingly allowed.

DEVINDER GUPTA, CJ

G.ROHINI, J

28th June, 2004.

nmr

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SECTION OFFICER.

To

1. Union of India, Rep. by its Secretary,
   Ministry of Road Transport of Highways, New Delhi.
2 National Highways Authority of India, Rep. by its Managing Director. New Delhi.
3 Chief Engineer, National Highways,
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5 Project Director, National Highways,
   Hyderabad-Bangalore NH 7 Division, 6-1-132/65 Kandagiri Temple, Walker Town Road, Padmarao Nagar, Secunderabad.
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